IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 12TH JULY 2006 / 21ST ASHADHA,1928

WP(C).No. 8307 of 2006(L)

PETITIONER:

REJANI LEKHA.S, BUNDLE VEEDU,
T.C.12/98(1) MULAVANA, KUNNUKUZHI P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, SCHEDULED CASTE AND SCHEDULED TRIBES,
DEVELOPMENT DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DIRECTOR, SCHEDULED CASTE AND
SCHEDULED TRIBES DEVELOPMENT, DIRECTORATE OF
SCHEDULED CASTE AND SCHEDULED TRIBES DEVELOPMENT
THIRUVANANTHAPURAM.

3. STATE ADVISORY BORAD,
SCHEDULED CASTE AND SCHEDULED TRIBES,
THIRUVANANTHAPURAM, REP. BY ITS CHAIRMAN.

4. DISTRICT PLANNING COMMITTEE FOR
SCHEDULED CASTE AND SCHEDULED TRIBES,
THIRUVANANTHAPURAM, REP. BY ITS CONVENOR.

5. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

6. ARUVIKKARA THANKAPPAN,
KAITHARA VEEDU, ARUVIKKARA P.O.,
KARAKULAM, THIRUVANANTHAPURAM.

7. D.B.VIJAYAN, THOTTUMPURATHU VEEDU,
PAZHAKUTTI P.O., NEDUMANGADU,
THIRUVANANTHAPURAM.

8. IDAYKKODU JANARDHANAN,
SANDYABHAVAN, MANKOOTTAM, IDAYKKODU,
NEMAM P.O.

9. KURAKKADA MADHU, PARUVILA VEEDU,
KURAKKADA, KURAKKADA P.O., THIRUVANANTHAPURAM.

10. SREEVARAHAM RAJENDRAN, PANAYIL VEEDU
(T.C.38/1624/4), PERUMTHANNI,
VALLAKKADAVU, THIRUVANANTHAPURAM.

11. J,SISUPALAN, DEEPA BHAVAN,
SANTHIPURAM, THIRUVALLAM P.O.,
THIRUVANANTHAPURAM.

12. S.RAVEENDRAN, THETTIKKUZHI VEEDU,
PANGAPPARA, SREEKARYAM, THIRUVANANTHAPURAM.

ADDL.13. SWAYMPRABHA, T., W/O. ANIRUDHAN, THUNDUVILA VEEDU,
SANTHIPURAM, THIRUVALLAM P.O., THIRUVANANTHAPURAM.

ADDL. R13 IS IMPLEADED AS SUCH AS PER ORDER ON I.A. 9031 OF 2006
DATED 12.7.2006

R1 TO R5 BY GOVERNMENT PLEADER SRI. K.C. JOSEPH
ADDL. R13 BY ADVS. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU
SRI.VIMAL KUMAR.A.V.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12/07/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE APPLICATION SUBMITTED ON 14.1.2006

EXT.P2 TRUE COPY OF THE COMMUNICATION DATED 3.3.2005

EXT.P3 TRUE COPY OF GO/RT 120/06 SC/ST/DD DATED 10.2.2006

EXT.P4 TRUE COPY OF GO/RT/112/06/SC/ST/DD DATED 7.2.2006

EXT.P5 TRUE COPY OF THE REPRESENTATION DATED 27.2.2006

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 8307 OF 2006

Dated this the 12th day of July, 2006

JUDGMENT

Heard counsel for the petitioner, counsel appearing for the addl. respondent and Government Pleader. 2nd respondent refused to receive notice, notice sent to third respondent is returned unserved and notice to 6th and 10th respondents is not returned, probably because they have no interest in the matter.

2. Petitioner is one of the applicants for financial assistance under the scheme for providing accommodation to members of SC and ST communities. 715 applicants were there claiming benefit under the General Category. It is clear from the counter affidavit that selection from General Category is made by lot and though petitioner was one among the applicants, petitioner was not lucky enough to get. All the members of the Committee were informed before lot was taken. The Committee is stated to be chaired by the District Collector. In the copy of the application said to have been filed by the petitioner and produced in this Court, namely, Ext.P1, petitioner claims benefit under special

category of chronically sick. However, Government Pleader produced Ext.R1(a) which is the copy of the application filed by the petitioner, wherein petitioner does not claim special benefit. Obviously copy of the application produced by the petitioner is not the one filed before the respondents claiming the benefit. Therefore petitioner was considered only under the General Category wherein selection was made by lot. Even though petitioner has made various allegations with regard to constitution of the Committee for selection, I find the Committee has no role when the selection is made by lot. The Committee's role arises only for selection of special categories for which 30 per cent reservation is made, which includes widows, physically handicapped, chronically sick and the family consisting of female children. Obviously petitioner does not come under any of the special categories. Discretionary power of the members of the Committee need be exercised only for selection for this category to which petitioner does not belong. Moreover, even though out of 715 applicants only 58 were selected, only one person has approached this Court alleging mala fides in the constitution of the committee and selection of eligible

candidates. Since petitioner comes under general category wherein selection is by lot, I do not find any substance in the allegation against the constitution of committee. W.P. is devoid of any merit and is dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge